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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/561,783 | 06/19/2006 | Brendan P. Kelly | GB03 0080 US | 5854 |
| 65913 | 7550 | 01/13/2009 | EXAMINER | |
| NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131 | | | VELEZ, ROBERTO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2829 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 01/13/2009 | ELECTRONIC |

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Continuation Sheet

Applicant argues that modifying Schmock et al.'s operational amplifier 40 such that it outputs a low-current signal would render Schmock et al. unsatisfactory for its stated purpose of providing an over-current protection scheme that protects switch transistor 32. Applicant states that the Examiner proposed modifying Schmock et al.'s operational amplifier 40 such that it would output a low-current signal, instead of adjusting its output signal to control the source voltages of the transistors 32 and 52 as required by Schmock et al.'s operational amplifier 40 to provide over-current protection. The Examiner respectfully disagrees. The Examiner proposed to modify Schmock et al.'s operational amplifier 40 by adding the function of outputting a low-current signal when the magnitude of the voltage across the main cell outputs falls below that across the sense cell outputs. It is understood that operational amplifier 40 will still have the function of adjusting its output signal to control the source voltages of the transistors 32 and 52 as required by Schmock et al. to provide over-current protection. Although statements limiting the function or capability of a prior art device require fair consideration, simplicity of the prior art is rarely a characteristic that weighs against obviousness of a more complicated device with added function. In re Dance, 160 F.3d 1339, 1344, 48 USPQ2d 1635, 1638 (Fed. Cir. 1998). See MPEP 2143. Therefore, the modification of Schmock et al.'s operational amplifier 40 render Schmock et al. satisfactory for its stated purpose of providing an over-current protection scheme that protects switch transistor 32 and outputting a low-current signal when the magnitude of the voltage across the main cell outputs falls below that across the sense cell outputs.

Applicant argues that the Examiner fails to cite any reference that teaches or suggest a comparator that compares the voltages across the main cell controlled outputs and the sense cell controlled outputs. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a comparator that compares the voltages across the main cell **controlled** outputs and the sense cell **controlled** outputs) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that the Examiner has simply identified elements and appears to be arranging these elements, not in the manner taught by the cited references, but in the manner taught by the claimed invention, which is a hallmark of improper hindsight reconstruction. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant argues that the Examiner has not provided any detail regarding how the Schmock et al.'s reference feedback circuit is to be modified. The Examiner

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respectfully disagrees. Schmock et al.'s reference feedback circuit will be modified in view of Valley's feedback circuit (100, 50) as disclosed in the previous office action. By stating these, it should be understood that Schmock et al.'s reference feedback circuit will be modified by adding the circuitry in Valley's feedback circuit (100, 50) to comply with the intended function of increasing the voltage across the main cell controlled outputs if the magnitude of the voltage across the controlled outputs falls below a predetermined value.

/Ha T. Nguyen/

Supervisory Patent Examiner, Art Unit 2829